

AUG 24 2010

Serial No. 10/563,796
Reply to Office Action dated June 7, 2010

Docket No. 1006/0128PUS1

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application is respectfully requested. Claims 1-29 and 32-36 are pending in the above application, of which claims 1 and 32 are independent. By the above amendment, claims 32-36 have been added.

The Office Action dated June 7, 2010, has been received and carefully reviewed. In that Office Action, claims 1-29 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite, claims 1-6, 8-24 and 29 were rejected under 35 U.S.C. 102(b) as being anticipated by Shibata, claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata in view of Hessari, claims 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata in view of Smith, and claim 28 was rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata in view of Hashimoto. Each of these issues is addressed below, and reconsideration and allowance of claims 1-29 and examination and allowance of claims 32-36 are respectfully requested in view of the above amendments and the following remarks.

REJECTIONS UNDER 35 U.S.C. 112, SECOND PARAGRAPH

By the above amendments, the antecedent basis issues raised by the examiner have been addressed. Multiple claims were also rejected for reciting "a broad range within a narrow range." Where such multiple ranges were found, appropriate amendments were made. In some instances, it is not believed that broad and narrow "ranges" were recited, but instead, certain claims might have been unclear due to the presence of the phrase "in particular." For example, in claim 20, an actuating device

Serial No. 10/563,796
Reply to Office Action dated June 7, 2010

Docket No. 1006/0128PUS1

that is "continually adjustable" and had "open and closed loop" operation was recited. It is respectfully submitted that these are not "ranges." However, it is believed that by removing the phrase "in particular" from these claims the Section 112, second paragraph, issues have been addressed and that all claims satisfy the requirements of Section 112. If the examiner believes that any claim continues to impermissibly recite broad and narrow ranges after the entry of the above amendment, clarification in a further Office Action is respectfully requested. Wherefore, the withdrawal of the rejections of claims 1-29 under 35 U.S.C. 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Shibata. Claim 1 as amended recites, inter alia, an installation arrangement for an air-conditioning system with a heating apparatus having at least one housing through which air is fed and at least one actuating device. The heating apparatus is arranged in a first flow path and the actuating device is arranged at least partially in a second flow path. In a first position the actuating device causes substantially all air in the flow path to flow through the first flow path and the heating apparatus, and in a second position, the actuating device permits air to flow through the second flow path without restricting airflow through the first flow path. The heating apparatus includes a plurality of heat exchange plates, and the actuating device comprises a closure flap having a comb structure that extends between the heat exchange plates when the actuating device is in the first position. Support for the underlined limitation can be found, for example, at page 13,

Serial No. 10/563,796
Reply to Office Action dated June 7, 2010

Docket No. 1006/0128PUS1

lines 27-34.

Shibata includes an actuating device 33 that blocks a flow path, but Shibata's heating apparatus 13 does not appear to include a plurality of heat exchange plates as recited in amended claim 1. Furthermore, Shibata's actuating device 33 does not have a comb structure as recited in amended claim 1. Moreover, regardless of the structure of Shibata's heating apparatus and actuating device, the heating apparatus is supported by a bracket in Figure 1. No portion of Shibata's actuating device extends between any portion of Shibata's heating apparatus as would be required to satisfy the limitations of amended claim 1. Claim 1 as amended is submitted to be allowable over Shibata for at least this reason.

Claims 2-29 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata in view of Hessari. Claim 7 depends from claim 1. Hessari does not address the shortcomings of Shibata discussed above in connection with claim 1. Claim 7 is therefore submitted to be allowable for at least the same reasons as claim 1.

Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata in view of Smith. Claims 25-27 depend from claim 1. Smith does not address the shortcomings of Shibata discussed above in connection with claim 1. Claims 25-27 are submitted to be allowable for at least the same reasons as claim 1.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata

Serial No. 10/563,796
Reply to Office Action dated June 7, 2010

Docket No. 1006/0128PUS1

in view of Hashimoto. Claim 28 depends from claim 1. Hashimoto does not address the shortcomings of Shibata discussed above in connection with claim 1. Claim 28 is therefore submitted to be allowable for at least the same reasons as claim 1.

NEW CLAIMS

New claims 32-36 are also submitted to be allowable over the art of record. Claim 32 recites an installation arrangement for an air-conditioning system that includes at least one housing through which air is fed, a first flow path in the housing and a second flow path in the housing. The second flow path has a first opening at a first location along the first flow path and a second opening at a second location along the first flow path spaced from the first location, and a central portion of the second flow path is located outside the first flow path. A heating apparatus is arranged in the second flow path and includes first and second sets of heat exchange plates in the second flow path. An actuating device is arranged in the first flow path between the first location and the second location, and the actuating device is shiftable between a first position permitting air flow through the first air flow path from the first location to the second location and a second position substantially blocking air flow through the first flow path from the first location to the second location such that air in the first flow path must traverse the second flow path to travel from the first location to the second location. An example of an arrangement according to this claim is illustrated, for example, in Figure 2 of the present application. The art of record does not show an installation arrangement as recited in claim 32, and claim 32 is submitted to be allowable over the art of record for at least this reason.

AUG 24 2010

Serial No. 10/563,796
Reply to Office Action dated June 7, 2010

Docket No. 1006/0128PUS1

Claims 33-36 depend from claim 32 and are submitted to be allowable for at least the same reasons as claim 32. Claim 34 further recites that the air flows through first and second sets of heat exchange plates of the heat exchanger in different directions. This is not shown or suggested by the art of record, and claim 34 further distinguishes over the art for this reason. Claim 36 further recites that the heating apparatus includes a heat conducting core that partially defines the second flow path. This is not shown by the art of record, and claim 36 further distinguishes over the art of record for this reason.

CONCLUSION

Each issue raised in the Office Action dated June 7, 2010, has been addressed, and it is believed that claims 1-29, and 32-36 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned attorney at the telephone number listed below.

AUG 24 2010

Serial No. 10/563,796
Reply to Office Action dated June 7, 2010

Docket No. 1006/0128PUS1

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,



Martin R. Geissler
Registration No. 51011

PO BOX 1364
Fairfax, VA 22038-1364
1.703.621.7140

Date: 08-27-10